

ASSEMBLY BILL

No. 854

Introduced by Assembly Member Weber

February 26, 2015

An act to amend Sections 42920.5, 42921, 42922, 42923, and 42924 of, to add Sections 42921.5, 42926, and 42927 to, and to repeal and add Sections 42920 and 42925 of, the Education Code, relating to educational services.

LEGISLATIVE COUNSEL'S DIGEST

AB 854, as introduced, Weber. Educational services: pupils in foster care.

(1) Existing law requires 6 specified foster children services program sites to receive a certain allowance that is required to be used exclusively for foster children services. Existing law authorizes any county office of education, or consortium of county offices of education, to apply to the Superintendent of Public Instruction for grant funding, to the extent the funds are available, to operate an education-based foster youth services program to provide educational and support services for foster children who reside in a licensed foster home or county-operated juvenile detention facility, as specified.

This bill would instead authorize a county office of education, or consortium of county offices of education, to apply to the Superintendent for grant funding, to the extent funds are available, to operate an education-based foster youth services program to provide educational support for pupils in foster care.

(2) Existing law also requires each foster youth services program to identify at least one person as the foster youth educational services coordinator, if sufficient funds are available, and assigns the foster

youth services program certain responsibilities, and requires him or her to facilitate the provision of educational services, as provided, to certain foster youth. Existing law authorizes a foster youth services program to prescribe a methodology for determining which pupils may be served.

This bill would instead require the identified foster youth educational services coordinator to facilitate the provision of educational support to any pupil in foster care residing or attending school in the county, as specified. The bill would require a foster youth services program, in consultation with the county social services agency and county probation department, to prescribe the methodology for designing specific educational supports for pupils in foster care, as specified. The bill would require each foster youth services program to develop and implement a foster youth services plan, as specified, and to assist school districts in developing and implementing certain portions of their local control and accountability plans, as specified. The bill would require each foster youth services program to establish an interagency oversight board, as provided. This bill would require each foster youth services program to assist school districts in specific ways, and would require each school district or charter school to designate a schoolsite-based staff person as a liaison to pupils in foster care if a schoolsite has one or more pupils in foster care, and to provide the liaison's contact information to the county foster youth services coordinator. By imposing additional duties on school districts and charter schools, the bill would impose a state-mandated local program.

(3) Existing law requires the Superintendent, by February 15 of each even-numbered year, to report to the Legislature and the Governor on the foster children services provided by school districts, as specified, and requires each school district providing foster children services to report to the Superintendent, by January 1 of each even-numbered year, any information the Superintendent may require for purposes of preparing the report.

The bill would instead require each county office of education providing foster youth services to report to the Superintendent, by January 1 of each even-numbered year, any information the Superintendent may require for purposes of preparing the report that is submitted to the Legislature and the Governor by February 15 of each even-numbered year, and would require the report to include different information, including aggregate educational outcome data, as specified.

(4) Existing law provides that any school district which provides educational services for foster children pursuant to the provisions above

shall receive funding in any fiscal year for those services only by such sums as may be specifically appropriated by the annual Budget Act of the Legislature for that fiscal year for support of those school-centered foster children services which provide program effectiveness and potential cost savings to the state.

This bill would instead provide that a county office of education that provides education support for pupils in foster care shall receive funding in any fiscal year for that support only by such sums as may be specifically appropriated by the annual Budget Act of the Legislature for that fiscal year for support of foster youth services programs that provide pupils in foster care with supplemental educational support. The bill also would require county offices of education to develop and enter into a memorandum of understanding with the county child welfare agency to leverage funding, as specified.

(5) This bill also would require the Superintendent to identify a State Foster Youth Services Director within the State Department of Education who would have certain responsibilities related to foster youth services programs, and would authorize the State Foster Youth Services Director to form an advisory committee, as specified. The bill would also authorize the Superintendent to provide funding to one or more local educational agencies to work with the State Foster Youth Services Director to provide the statewide technical support needed to improve the educational success of pupils in foster care, as specified.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42920 of the Education Code is repealed.
2 42920. ~~(a) The Legislature finds as follows:~~
3 ~~(1) It is essential to recognize, identify and plan for the critical~~
4 ~~and unique needs of children residing in licensed community care~~
5 ~~facilities.~~

~~(2) A high percentage of these foster children are working substantially below grade level, are being retained at least one year in the same grade level, and become school dropouts.~~

~~(3) Without programs specifically designed to meet their individual needs, foster children are frequently dysfunctional human beings at great penal and welfare costs.~~

~~(b) The Legislature further finds and declares that the instruction, counseling, tutoring, and related services for foster children that provide program effectiveness and potential cost savings shall be a state priority. Funding for that purpose is hereby provided to the following unified school districts and consortia that have successfully operated foster children services program sites: Elk Grove, Mount Diablo, Sacramento City, San Juan, and Paramount, and the Placer-Nevada consortium.~~

SEC. 2. Section 42920 is added to the Education Code, to read:

42920. The Legislature finds and declares all of the following:

(a) Pupils in foster care represent one of the most vulnerable and academically at-risk pupil groups enrolled in California schools. The academic status of pupils in foster care is often profoundly impacted by the foster care system in which many pupils in foster care experience multiple placements with an average frequency of one placement change every six months. Due to this movement, pupils in foster care lose an average of four to six months of educational attainment with each move. Therefore, it is essential to recognize, identify, and plan for the critical and unique educational needs of pupils in foster care.

(b) A high percentage of pupils in foster care are working substantially below grade level, and over one-half of the pupils in foster care are retained at least one year in the same grade level. Pupils in foster care earn lower grades and achieve lower scores on standardized achievements tests in reading and mathematics, have lower levels of engagement in school, and are half as likely as pupils not in foster care to be involved in extracurricular activities. The long-term consequences of poor academic experiences are significant. Pupils in foster care are twice as likely as pupils not in foster care to drop out of school before graduation and only 45 percent of pupils in foster care have graduated from high school at the time of emancipation. Foster youth are similarly under represented in college enrollment rates and dramatically underperform their peers in relation to college completion. Pupils

1 in foster care are also subject to disproportionate levels of
2 disciplinary measures, including suspension and expulsion. It is
3 imperative that California close the foster youth achievement gap
4 so that pupils in foster care can realize their full potential, reach
5 their college and career goals, and become independent, productive
6 members of society.

7 (c) Foster youth are an especially vulnerable pupil population,
8 as they are often also members of other underserved pupil groups.
9 In 2013, the demographic data of pupils in foster care in California
10 were as follows:

11 (1) The largest ethnic group amongst pupils in foster care was
12 Hispanic, with nearly half of the population.

13 (2) African American and Native American pupils continue to
14 be disproportionately represented in the child welfare system, as
15 researchers found that 26 percent of pupils in foster care were
16 African American despite African Americans only accounting for
17 7 percent of the pupil population in California, and 2 percent of
18 pupils in foster care were Native American despite Native
19 Americans only accounting for 1 percent of the pupil population
20 in California.

21 (3) Nearly one in five pupils in foster care had special education
22 needs, which is over twice the rate of the statewide pupil
23 population.

24 (4) More than one in ten pupils in foster care were English
25 learners.

26 (d) Compounded by the research that indicates that there is a
27 need for California to close the achievement gap between specific
28 ethnic pupil populations and white pupils, addressing the foster
29 youth achievement gap will further efforts that support education
30 equity for all pupils.

31 (e) Given their current academic status, pupils in foster care are
32 more likely to achieve to their full potential when they are provided
33 services and programs designed to meet their particular needs,
34 including, but not limited to, supplemental instruction, counseling,
35 tutoring, and other support services.

36 (f) Policies and laws addressing the educational rights of pupils
37 in foster care must be implemented so that pupils in foster care are
38 immediately enrolled in school, provided access to meaningful
39 opportunities to meet state academic standards, educated in the
40 least restrictive educational environment, and provided access to

1 a rigorous curriculum, adequately prepared to enter postsecondary
2 education, and afforded the academic resources, services, and
3 extracurricular and enrichment activities available to other pupils
4 enrolled in California's public schools.

5 (g) Foster youth services programs provide pupils in foster care
6 needed educational support and are a state priority.

7 SEC. 3. Section 42920.5 of the Education Code is amended to
8 read:

9 42920.5. (a) (1) Commencing with fiscal year 1982–83, and
10 each fiscal year thereafter, each of the *following* six *foster youth*
11 *services* program sites ~~specified in subdivision (b) of Section 42920~~
12 *sites: Elk Grove, Mount Diablo, Sacramento City, San Juan,*
13 *Paramount, and the Placer Nevada consortium,* shall receive, in
14 addition to the base revenue limit, an allowance from the amount
15 annually transferred to Section A of the State School Fund equal
16 to the amount the district spent on foster children service programs
17 in fiscal year 1981–82, adjusted to reflect cost-of-living increases
18 by the total percentage increase received by all categorical
19 education programs. In no event shall this cost-of-living adjustment
20 exceed the inflation adjustment provided pursuant to Section
21 42238.

22 ~~This~~

23 (2) *This* allowance shall be used exclusively for foster children
24 services.

25 ~~The~~

26 (3) *The* six program sites may continue to record revenue
27 received pursuant to this subdivision in the same manner used to
28 record revenue received for foster children services in the 1981–82
29 fiscal year.

30 ~~The~~

31 (4) *The* six program sites shall maintain their foster children
32 services programs in fiscal year 1995–96 and each subsequent
33 fiscal year at a program level comparable to that at which they
34 administered those programs in fiscal year 1994–95.

35 (b) Commencing with fiscal year 1982–83, the base revenue of
36 each of the six school districts specified in *paragraph (1) of*
37 ~~subdivision (b) of Section 42920~~ (a) shall be permanently reduced
38 in an amount equal to the amount spent on foster children services
39 in fiscal year 1981–82.

SEC. 4. Section 42921 of the Education Code is amended to read:

42921. (a) In addition to the six program sites specified in Section ~~42920~~, any 42920.5, a county office of education, or consortium of county offices of education, may elect to apply to the Superintendent of Public Instruction for grant funding, to the extent funds are available, to operate an education-based foster youth services program to provide educational and support services for foster children who reside in a licensed foster home or county-operated juvenile detention facility. The provision of educational and support services to foster youth in licensed foster homes shall also apply to foster youth services programs in operation as of July 1, 2006, and receiving grant funding for pupils in foster care.

(b) Each foster youth services program operated pursuant to this chapter, if sufficient funds are available, shall have at least one person identified as the foster youth educational services coordinator. The foster youth educational services coordinator shall facilitate the provision of educational services support pursuant to subdivision (d) to any foster child in the county who is either under the jurisdiction of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code or under the jurisdiction of the juvenile court pursuant to Section 601 or 602 of the Welfare and Institutions Code who is placed in a licensed foster home or county-operated juvenile detention facility. A program operated pursuant to this chapter may prescribe the methodology for determining which children may be served. Applicable methodologies may include, but are not limited to, serving specific age groups, serving children in specific geographic areas with the highest concentration of foster children or serving the children with the greatest academic need. It (e) to any pupil in foster care residing or attending school in the county.

(c) For purposes of this chapter, a pupil in foster care has the same meaning as a foster youth, as defined in paragraph (b) of Section 42238.01

(d) (1) It is the intent of the Legislature that children pupils in foster care with the greatest need for services be identified as the first priority for foster youth services.

~~(e) The responsibilities of the foster youth educational services coordinator shall include, but shall not be limited to, all of the following:~~

~~(1) Working with the child welfare agency to minimize changes in school placement.~~

~~(2) Facilitating the prompt transfer of educational records, including the health and education passport, between educational institutions when placement changes are necessary.~~

~~(3) Providing education-related information to the child welfare agency to assist the child welfare agency to deliver services to foster children, including, but not limited to, educational status and progress information required for inclusion in court reports by Section 16010 of the Welfare and Institutions Code.~~

~~(4) Responding to requests from the juvenile court for information and working with the court to ensure the delivery or coordination of necessary educational services.~~

~~(5) Working to obtain and identify, and link children to, mentoring, tutoring, vocational training, and other services designed to enhance the educational prospects of foster children.~~

~~(6) Facilitating communication between the foster care provider, the teacher, and any other school staff or education service providers for the child.~~

~~(7) Sharing information with the foster care provider regarding available training programs that address education issues for children in foster care.~~

~~(8) Referring caregivers of foster youth who have special education needs to special education programs and services.~~

~~(d) Each foster youth services program operated pursuant to this chapter shall include guiding principles that establish a hierarchy of services, in accordance with the following order:~~

~~(1) Provide, or arrange for the referral to, tutoring services for foster youth.~~

~~(2) Provide, or arrange for the referral to, services that meet local needs identified through collaborative relationships and local advisory groups, which may include, but shall not be limited to, all of the following:~~

~~(A) Mentoring.~~

~~(B) Counseling.~~

~~(C) Transitioning services.~~

~~(D) Emancipation services.~~

1 ~~(3) Facilitation of timely individualized education programs, in~~
2 ~~accordance with the Individuals with Disabilities Education Act~~
3 ~~(20 U.S.C. Sec. 1400 et seq.), and of all special education services.~~

4 ~~(4) Establishing collaborative relationships and local advisory~~
5 ~~groups.~~

6 ~~(5) Establishing a mechanism for the efficient and expeditious~~
7 ~~transfer of health and education records and the health and~~
8 ~~education passport.~~

9 ~~(e) For purposes of this section, “licensed foster home” means~~
10 ~~a licensed foster family home, certified foster family agency home,~~
11 ~~court-specified home, or licensed care institution (group home).~~

12 ~~(2) In consultation with the county social services agency and~~
13 ~~county probation department, a foster youth services program~~
14 ~~operated pursuant to this chapter shall prescribe the methodology~~
15 ~~for designing specific supports for pupils in foster care, and, in~~
16 ~~doing so, shall consider at least all of the following: the needs of~~
17 ~~specific age groups, pupils in foster care in specific geographic~~
18 ~~areas with the highest concentration of pupils in foster care, and~~
19 ~~pupils in foster care with the greatest academic need. A foster~~
20 ~~youth services program shall first provide services for pupils in~~
21 ~~foster care who reside in group homes or other institutional~~
22 ~~settings.~~

23 ~~(e) Each foster youth services program operated pursuant to~~
24 ~~this chapter shall develop and implement a foster youth services~~
25 ~~plan documenting how the program will, to the extent possible,~~
26 ~~do all of the following:~~

27 ~~(1) Collaborate with county child welfare agencies, county~~
28 ~~probation departments, and school districts to minimize changes~~
29 ~~in school placement and support the implementation of subdivision~~
30 ~~(c) of Section 48853.~~

31 ~~(2) Collaborate with county child welfare agencies, county~~
32 ~~probation departments, and school districts so that when it is in~~
33 ~~the best interests of a pupil in foster care to transfer schools,~~
34 ~~transfers are done at an educationally appropriate time,~~
35 ~~educational records are quickly transferred, appropriate partial~~
36 ~~credits are awarded, and the pupil in foster care is quickly enrolled~~
37 ~~in appropriate classes.~~

38 ~~(3) In an effort to support the educational achievement of pupils~~
39 ~~in foster care, how they will do all of the following:~~

1 (A) Collaborate with county child welfare agencies, county
2 probation departments, and school districts to ensure pupils in
3 foster care have an active education team that includes an
4 educational rights holder, caregiver, social worker, teacher,
5 counselor, court appointed special advocate, other stakeholders,
6 and the pupil if appropriate.

7 (B) Participate in education teams as is helpful and needed.

8 (C) Help the education team assess the educational strengths
9 and needs of the pupil in foster care, and help develop, monitor,
10 and update an education plan based on those strengths and needs.

11 (D) Provide tutoring, mentoring, counseling, transition,
12 school-based social work, and emancipation services, if those
13 services are part of the education plan established by the education
14 team, and after a full evaluation that determines that the county
15 child welfare agency, county probation department, or school
16 district are unable to provide those services.

17 (E) Maintain information on all of the following for purposes
18 of ensuring that pupils in foster care, education rights holders,
19 and other education team members are informed of all available
20 opportunities:

21 (i) Available schools to ensure appropriate placement.

22 (ii) Educational programs, including linked learning programs
23 and special education programs.

24 (iii) English learner programs.

25 (iv) After school and summer enrichment opportunities.

26 (v) Other appropriate supports and services.

27 (F) Maintain information on postsecondary educational
28 institutions, career and technical education programs, and
29 postsecondary opportunities for purposes of ensuring that pupils
30 in foster care, education right holders and other members of the
31 education team have the information necessary to support access
32 to postsecondary education, career program, and related supports,
33 including financial aid.

34 (G) Collaborate with local postsecondary educational
35 institutions, including the California Community Colleges, the
36 California State University, and the University of California, and
37 with county independent living programs to facilitate a seamless
38 transition from high school to postsecondary educational
39 institutions, and provide pupils in foster care currently enrolled

1 in high school with assistance with college application,
2 matriculation, and financial aid.

3 (4) Advocate on behalf of individual pupils in foster care to
4 ensure appropriate:

5 (A) Transfer of records.

6 (B) Transcript analysis.

7 (C) Credit recovery.

8 (D) Individualized education programs in collaboration with
9 the school district in accordance with the federal Individuals with
10 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and related
11 state laws.

12 (E) Placement in English learner programs, as needed.

13 (F) Enrollment in, or transition to, comprehensive schools or
14 the least restrictive educational placements, when appropriate.

15 (G) Education entitlements specific to pupils in foster care are
16 provided, including, but not limited to, receiving partial credits,
17 the right to attend the pupil's school of origin, and modified
18 graduation requirements.

19 (5) Ensure pupils in foster care have education rights holders
20 with the capacity to support educational success by:

21 (A) Helping a school district identify the education rights holder
22 of a pupil in foster care.

23 (B) Collaborating with county child welfare agencies and county
24 probation departments to identify a responsible adult familiar with
25 the pupil in foster care to serve as the pupil's education rights
26 holder.

27 (C) Recruiting volunteer education rights holders to be used
28 only after the county child welfare agency, county probation
29 department, and juvenile court have taken every reasonable effort
30 to find a responsible adult familiar with the pupil in foster care to
31 serve as the pupil's educational rights holder.

32 (D) Training and building the capacity of biological parents,
33 foster parents, and all other education rights holders to support
34 educational success, including, but not limited to, the provision
35 of information related to requirements for postsecondary education
36 application, matriculation, enrollment, and financial aid.

37 (6) Collaborate with county child welfare agencies, county
38 probation departments, and school districts to facilitate information
39 sharing. This includes, but is not limited to:

1 (A) Collaborating with county child welfare agencies and county
2 probation departments to develop, monitor, and regularly update
3 the education portion of child welfare and probation case plans.

4 (B) Providing education related information to the county child
5 welfare agency to assist the county child welfare agency in
6 delivering services to foster children, including, but not limited
7 to, education status and progress information required to be
8 included in court reports.

9 (C) Responding to requests from the juvenile court for
10 information and working with the juvenile court to ensure the
11 coordination and delivery of necessary educational services.

12 (D) Establishing a mechanism for the efficient and expeditious
13 transfer of health and education records, and the health and
14 education passport.

15 (7) Support interagency efforts to improve the educational
16 outcomes of pupils in foster care. This includes, but is not limited
17 to:

18 (A) Collaborating with county child welfare agencies, county
19 probation departments, and school districts to gather and analyze
20 aggregate information on the educational challenges and outcomes
21 of pupils in foster care.

22 (B) Facilitating communication and collaboration between
23 school districts and county agencies, including, but not limited to,
24 the county child welfare agencies, county probation departments,
25 county mental health agencies, and courts within a county.

26 (C) Providing training and technical assistance to school
27 districts, governing boards of school districts, county child welfare
28 agencies, county probation departments, and county mental health
29 agencies.

30 (D) Collaborate with local colleges and universities to facilitate
31 a seamless transition from secondary to postsecondary educational
32 institutions, and provide pupils in foster care currently enrolled
33 in high school with assistance with college application,
34 matriculation, and financial aid applications.

35 (f) Each foster youth services program operated pursuant to
36 this chapter shall assist school districts in developing and
37 implementing the portion of the school district's local control and
38 accountability plan describing the specific actions and strategies
39 the school district will undertake to increase the academic
40 performance of pupils in foster care, as required by subdivision

1 *(c) of Section 52060, and shall assist school districts in projecting*
2 *the cost of implementing these specific actions and strategies.*
3 *Foster youth services programs shall support school districts in*
4 *developing and implementing the specific actions and strategies*
5 *to support the educational achievement of pupils in foster care*
6 *that may include, but are not limited to, all of the following:*

7 *(1) Ensuring that the school district has the necessary*
8 *infrastructure to support the educational success of pupils in foster*
9 *care, which may include, but is not limited to, local policies,*
10 *practices, and agreements.*

11 *(2) Providing the school district's foster youth liaison with*
12 *additional resources to increase the liaison's capacity to execute*
13 *his or her responsibilities.*

14 *(3) Maintaining information on educational programs, supports,*
15 *and services provided by the school district, including, but not*
16 *limited to, linked learning and career pathways programs,*
17 *credit-recovery classes, after school classes, school tutoring*
18 *resources, California High School Exit Examination tutoring*
19 *resources, other remediation services, school social worker*
20 *counseling, school-based mental health services, in-school*
21 *therapeutic services, summer enrichment opportunities, support*
22 *services offered to lesbian, gay, bisexual, transgender, and gender*
23 *nonconforming youth, summer enrichment opportunities, college*
24 *planning, and financial aid workshops and counseling.*

25 *(4) Regularly assessing the educational strengths and needs of*
26 *pupils in foster care.*

27 *(5) In collaboration with the education support team,*
28 *developing, monitoring, and regularly updating an education*
29 *success plan for a pupil in foster care that lists the strengths and*
30 *needs, goals and objectives, and the programs, supports, and*
31 *services the pupil in foster care will receive.*

32 *(6) Ensuring that each pupil in foster care receives the*
33 *programs, supports, or services specified in the pupil's education*
34 *plan needed by the pupil to succeed academically.*

35 *(7) Carefully monitoring the educational progress of a pupil in*
36 *foster care and notifying the pupil's education support team of*
37 *significant changes.*

38 *(g) Each foster youth services program operated pursuant to*
39 *this chapter shall establish an interagency oversight board.*

1 (1) *The oversight board shall include representatives from the*
2 *county child welfare agency, the county probation department,*
3 *school districts, local postsecondary educational institutions, and*
4 *community organizations. If possible, the oversight board shall*
5 *include foster youth, caregivers, education rights holders, and*
6 *other interested stakeholders.*

7 (2) *The oversight board shall meet at least quarterly, and shall*
8 *elect an oversight board chairperson from outside the county office*
9 *of education. Oversight board chairpersons shall not serve terms*
10 *longer than two years. Composition of the oversight board shall*
11 *be determined by the chairperson, consistent with paragraph (1),*
12 *and the foster youth services coordinator shall be a permanent*
13 *member of the oversight board.*

14 (3) *The oversight board shall regularly review the*
15 *recommendations to the foster youth services plan required*
16 *pursuant to subdivision (e). In the event of a disagreement, the*
17 *county foster youth services coordinator or the oversight board*
18 *chairperson may ask the State Foster Youth Services Director to*
19 *mediate a solution.*

20 SEC. 5. Section 42921.5 is added to the Education Code, to
21 read:

22 42921.5. Each school district or charter school receiving funds
23 pursuant to Section 42238.02 shall designate a schoolsite-based
24 staff person to serve as a liaison to pupils in foster care if the
25 schoolsite has one or more identified pupils in foster care. Each
26 such school district and charter school shall provide contact
27 information for each schoolsite liaison to the county foster youth
28 services coordinator.

29 SEC. 6. Section 42922 of the Education Code is amended to
30 read:

31 ~~42922. Any school district which provides educational services~~
32 ~~for foster children~~

33 42922. (a) *A county office of education that provides*
34 *educational support for pupils in foster care pursuant to Section*
35 *42921 shall receive funding in any fiscal year for those services*
36 *that support only by such sums as may be specifically appropriated*
37 *by the annual Budget Act of the Legislature for that fiscal year for*
38 *support of those school-centered foster children services which*
39 *provide program effectiveness and potential cost savings to the*

1 ~~state: the foster youth services programs that provide pupils in~~
2 ~~foster care with supplemental educational support.~~

3 ~~The~~

4 (b) ~~The~~ Legislature may appropriate moneys from the General
5 Fund for this purpose, or, if sufficient funds are available, from
6 the Foster Children and Parent Training Fund pursuant to the
7 provisions of Section 903.7 of the Welfare and Institutions Code.

8 SEC. 7. Section 42923 of the Education Code is amended to
9 read:

10 42923. (a) ~~Each school district county office of education~~
11 ~~providing foster children youth services pursuant to this chapter~~
12 ~~shall, by January 1 of each even-numbered year, report to the~~
13 ~~Superintendent of Public Instruction any information as may be~~
14 ~~required by the Superintendent of Public Instruction for the purpose~~
15 ~~purposes of subdivision (b).~~

16 (b) ~~The Superintendent of Public Instruction shall, by February~~
17 ~~15 of each even-numbered year, report to the Legislature and the~~
18 ~~Governor on the foster children services provided by school~~
19 ~~districts: youth services programs.~~ The report shall be prepared
20 with the advice and assistance of providers of foster children youth
21 services and shall include, but not be limited to, the following:

22 (1) Recommendations regarding the continuation of ~~services:~~
23 ~~the foster youth services programs.~~

24 (2) Recommendations regarding the effectiveness of the ~~services,~~
25 ~~foster youth services programs,~~ unless program effectiveness is
26 assessed in ~~any other~~ another report covering the same time period.

27 (3) Recommendations regarding the broadening of the
28 application of those services ~~and any changes to foster youth~~
29 ~~services programs that would make them more effective.~~

30 (4) ~~Information which shall be sufficient to determine, at a~~
31 ~~minimum, whether these services have resulted in a major~~
32 ~~quantitative improvement or deterioration in any of the following~~
33 ~~indicators:~~

34 (A) ~~Pupil academic achievement.~~

35 (B) ~~The incidence of pupil discipline problems or juvenile~~
36 ~~delinquency.~~

37 (C) ~~Pupil dropout rates or truancy rates.~~

38 (4) Aggregate educational outcome data for each county in
39 which there were at least 15 pupils in foster care who attended

1 school in the county, with information on each of the following
2 indicators:

3 (A) The number of pupils in foster care who attended school in
4 the county.

5 (B) The academic achievement of the pupils in foster care who
6 attended school in the county.

7 (C) The number of pupils in foster care who were suspended or
8 expelled.

9 (D) The number of pupils in foster care who were placed in a
10 juvenile hall, camp, ranch, or other county-operated juvenile
11 detention facility because of an incident of juvenile delinquency.

12 (E) The truancy rates, attendance rates, and dropout rates for
13 pupils in foster care.

14 (F) (i) The number of pupils in foster care participating in
15 foster youth services programs pursuant to this chapter who
16 successfully transition to postsecondary education.

17 (ii) The department shall collaborate with the Chancellor of
18 the California Community Colleges and the Chancellor of the
19 California State University to identify indicators that can be used
20 to track access to postsecondary education for pupils in foster care
21 participating in a foster youth services program pursuant to this
22 chapter.

23 (5) Whenever possible, the data in the report shall be the same
24 data that is used by the Superintendent in determining the
25 Academic Performance Index or in developing the report required
26 pursuant to Section 49085.

27 ~~(5)~~

28 (6) A discussion of the meaning and implications of the
29 indicators contained in paragraph (4).

30 SEC. 8. Section 42924 of the Education Code is amended to
31 read:

32 42924. Any funds allocated to ~~school districts~~ county offices
33 of education for foster ~~children~~ youth services pursuant to
34 ~~subdivision (c) of Section 42920 or Section 42922~~ shall be used
35 only for foster ~~children~~ youth services and any funds not used by
36 school districts or county offices of education for those services
37 shall revert to the state General Fund.

38 SEC. 9. Section 42925 of the Education Code is repealed.

39 ~~42925. (a) The Superintendent of Public Instruction shall form~~
40 ~~an advisory committee to make recommendations regarding the~~

1 allocation of available funds to school districts applying to receive
2 funding for foster children programs pursuant to subdivision (b).
3 ~~The advisory committee shall include, but not be limited to,~~
4 ~~representatives from the Department of the Youth Authority, from~~
5 ~~the State Department of Social Services, and from foster children~~
6 ~~services programs. Members of the advisory committee shall serve~~
7 ~~without compensation, including travel and per diem.~~

8 (b) ~~Any school district which chooses to provide foster children~~
9 ~~services programs pursuant to Section 42921 may apply to the~~
10 ~~Superintendent of Public Instruction and to the advisory committee~~
11 ~~for funding for those programs.~~

12 (c) ~~On or before November 1 of each year, the Superintendent~~
13 ~~of Public Instruction shall provide the Governor with a proposed~~
14 ~~sum to be included in the Governor's budget for the ensuing fiscal~~
15 ~~year for allocation to school districts wishing to provide foster~~
16 ~~children services programs pursuant to Section 42921.~~
17 ~~Recommendations regarding the specific programs to be funded~~
18 ~~and the amount to be allocated to each shall be included with the~~
19 ~~proposed sum.~~

20 SEC. 10. Section 42925 is added to the Education Code, to
21 read:

22 42925. Each county office of education with a foster youth
23 services program operated pursuant to this chapter shall develop
24 and enter into a memorandum of understanding with the county
25 child welfare agency pursuant to which foster youth services
26 program funds shall be used, to the maximum extent possible, to
27 leverage funds received pursuant to Title IV–E of the federal Social
28 Security Act (42 U.S.C. Sec. 670 et seq.) and any other funds that
29 may be used to specifically address the educational needs of pupils
30 in foster care, or they shall jointly explain in writing, annually,
31 why a memorandum of understanding is not practical or feasible.

32 SEC. 11. Section 42926 is added to the Education Code, to
33 read:

34 42926. (a) The Superintendent shall identify a State Foster
35 Youth Services Director within the department who shall be
36 responsible for all of the following:

37 (1) Monitoring implementation of this chapter.

38 (2) Facilitating the data sharing and reporting described in
39 Section 49085.

(3) Representing the department in policy and interagency workgroups related to the educational success of pupils in foster care, that may include, but is not limited to, collaborating with child welfare, probation, and judicial agencies.

(4) Overseeing the technical assistance described in Section 42927.

(5) Providing technical support and mediation to foster youth services programs and their oversight boards.

(6) Review a county office of education's local control and accountability plan as it relates to foster youth.

(b) The State Foster Youth Services Director may form an advisory committee to provide consultation to the State Foster Youth Services Director in regards to the responsibilities described in subdivision (a).

SEC. 12. Section 42927 is added to the Education Code, to read:

42927. (a) The Superintendent may provide funding to one or more local educational agencies to work with the State Foster Youth Services Director to provide statewide technical support to ensure educational, child welfare, and judicial agencies receive the technical support needed to improve the educational success of pupils in foster care.

(b) Technical assistance may include, but is not limited to, the following areas:

(1) State and local data sharing, and appropriate use of shared data.

(2) Improving county office of education foster youth services programs.

(3) Assisting school districts to develop and implement specific actions and to increase the academic performance of pupils in foster care, as required by subdivision (c) of Section 52060.

(4) Policy and legal guidance specific to pupils in foster care.

(c) Funding for the technical assistance described in this section may come from the foster youth services budget appropriated by the annual Budget Act, as determined by the Superintendent, but shall be no more than 5 percent of the foster youth services budget allocation for the applicable fiscal year. The remainder of the foster youth services budget shall be apportioned to county offices of education operating foster youth services programs in accordance with Section 42921.

1 SEC. 13. If the Commission on State Mandates determines
2 that this act contains costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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